

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

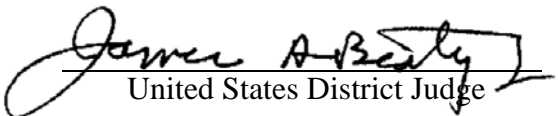
JAMES TONY McNEILL,)	
)	
Petitioner,)	
)	
v.)	1:06CV1066
)	1:04CR127-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

J U D G M E N T

On December 12, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that this action is dismissed sua sponte without prejudice to Petitioner filing a corrected motion on the proper § 2255 forms, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.


United States District Judge

February 5, 2007